

Second, the Opposition is wrong about the statute of limitations for reporting fraudulent transactions – to the contrary, as a matter of law, DiCrecchio’s knowledge is imputed to RPCC because DiCrecchio had actual and apparent authority in his role as Market Manager for PFFTC and CEO for RPCC; and,

Third, the Opposition is wrong on RPCC’s statutory obligation to review monthly statements – to the contrary, RPCC has been a TD Bank customer since PFFTC transitioned its business in 2011 and RPCC cannot use its failure to inform TD Bank of its name change to shield RPCC from its statutory obligation to review its transaction statements on its TD Bank account (“*Account*”).

WHEREFORE, TD Bank respectfully requests that this Court issue an order granting TD Bank leave to file a reply brief supporting its Motion to Dismiss.

Respectfully Submitted,

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